

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

MAY 04 2017

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

BLAINE HARRINGTON,

Plaintiff,

v.

Civil Action No.: 3:16-CV-00084

AFRICAN AMERICAN MATCHMAKING,

Defendant.

DECLARATION OF DAVID C. DEAL

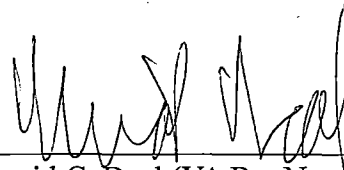
I, DAVID C. DEAL state the following:

1. I am over the age of eighteen (18) and otherwise competent to testify.
2. I am the attorney for Plaintiff, Blaine Harrington ("Harrington") in the above-styled case.
3. Plaintiff filed Plaintiff's Motion for Entry of Final Judgment by Default Against Defendant African American Matchmaking ("AAM") and Incorporated Memorandum of Law ("Motion for Entry") in the above-styled case on March 30, 2017 [ECF No. 8].
4. In the above-mentioned Motion for Entry of Final Judgment, Plaintiff requested entry of a final judgment in favor of Harrington for \$15,750.00. [ECF No. 8].
5. AAM copied and posted "BER-01-19-02.jpg," ("Copyrighted Photograph") the photograph at issue in this case to seven distinct URLs. [Complaint ¶ 9, Ex. C].
6. Statutory damages are applicable in this case based on Plaintiff's timely registration of the Copyrighted Photograph. [Complaint ¶8, Ex. B].

7. Copyright infringement may be considered willful when a defendant defaults and decides not to defend against the action. [ECF No. 8, Motion for Entry IV(B)(1)].
8. Statutory damages serve the dual purpose of punishing and deterring the infringer while compensating the copyright holder for the infringement. [ECF No. 8, Motion for Entry IV(B)(1)].
9. The court has wide discretion in determining the amount of statutory damages to be awarded within the ranges provided by 17 U.S.C. § 405(c)(1)-(2). [ECF No. 8]
10. Triple minimum statutory damages of \$750.00 is \$2,250.00. \$2,250.00 multiplied seven times for each of the seven distinct URLs totals \$15,750.00.

I swear of affirm the foregoing is true and correct under penalties of perjury.

DATED: May 3, 2017



David C. Deal (VA Bar No.: 86005)
The Law Office of David C. Deal, P.L.C.
P.O. Box 1042
Crozet, VA 22932
434-233-2727, Telephone
888-965-8083, Facsimile
Attorney for Plaintiff